

REMARKS/ARGUMENTS

Claims 38-52 are active in this application. Claims 38-52 replace Claims 18-27 and are directed to the products of formula 1 as elected in the response to the restriction requirement filed on September 20, 2004. No new matter is added. Accordingly, withdrawal of the objections to Claims 18-27 is requested.


Applicants further request that the provisional rejection of the claims under the doctrine of obviousness-type double patenting in view of Claims 1-10 and 25 of co-pending application 10/487,242 be held in advance since the alleged conflicting claims have not been patented. Further, Applicants note the following from MPEP § 822.01:

The "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that "provisional" double patenting rejection is the only rejection remaining in one of the applications. If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent.

As the Examiner has indicated that the elected claimed invention is allowable, Applicants request that this application be passed to allowance.

Respectfully submitted,

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